IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 28 OF 1993

Sitaram Dadu Salunkhe .. Petitioner

Vs.

1. Yeshwant Jyoti Jamade
and ors. .. Respondents

Mr. S.S. Swadi h/f Mr. S.G. Deshmukh for Petitioner.
Ms. Kranti Hiwrale h/f Mr. P.G. Lad for Respondent Nos.2 to 4.
Mr. A.B. Vagyani h/f Mr. S.R. Borulkar for Respondent No.6.

CORAM: B.H. MARLAPALLE, J.

Date : October 19, 2005.

ORAL JUDGMENT:

1. It is alleged by the petitioner that in Writ Petition No. 5239 of 1992 this court had granted an order of status quo on 18/12/1992 and prior thereto the order of status quo granted by the trial court was in operation from 13/11/1992 to 19/12/1992 and inspite of these orders of status quo the respondent nos.2 to 5, in total disregard to the orders, entered upon the suit property and they had stolen away sugar-cane crop standing on the suit land. The petitioner claims that he was in possession of the suit land during the

relevant period of status quo.

2. The affidavit in reply filed by respondent no.2 shows that Regular Civil Suit No.116/1990 filed by the present petitioner has been dismissed on 19/7/2002 by the learned Civil Judge, Junior Division at Vita and it has been concluded by the said judgment that the plaintiff was not in possession of the suit land. On the face of these findings by the trial court the contentions of the petitioner that he was in possession of the suit land, the respondent nos.2 to 5 entered the same in breach of the orders passed by this court and stole away the sugar-cane crop standing on the suit land cannot be accepted as the foundation or basis for this Contempt Petition and, therefore, the Contempt Petition fails.

3. Contempt Petition is hereby dismissed. Rule is discharged. The earlier order dated 9/9/2005 issuing bailable warrant is hereby recalled.

(B.H. Marlapalle,J.)